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FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA,

Defendants.

Case No. 5:07-CV-01389-RS

DECLARATION OF YVONNE P. GREER PURSUANT TO CIVIL LOCAL RULE 79-5(B) IN SUPPORT OF PLAINTIFFS' MOTION TO SEAL EXHIBITS A, E-H TO THE DECLARATION OF THERESA A. SUTTON IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT RE DEFENDANTS' LIABILITY PURSUANT TO CALIFORNIA PENAL CODE SECTION 502(C) AND 15 U.S.C. § 7704(A)(1) AND 15 U.S.C. § 7704(B)(1)

Date: February 27, 2008
Time: 9:30 A.M.
Judge: Honorable Richard Seeborg

Dockets.Justia.com

I, Yvonne P. Greer, declare as follows:

1. I am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel to Plaintiffs Facebook, Inc. and Mark Zuckerberg. I am licensed to practice law in the State of California. I have personal knowledge of the facts and circumstances set forth in this Declaration. If called as a witness, I could and would testify competently to the matters set forth herein. I make this Declaration pursuant to Civil L.R. 79-5(b).

2. Good cause exists for sealing Exhibit A to the Declaration of Theresa A. Sutton in support of Plaintiffs' Reply in Support of Motion For Partial Summary Judgment Regarding Defendants' Liability Pursuant to California Penal Code Section 502(C) and 15 U.S.C. § 7704(a)(1) and 15 U.S.C. § 7704(b)(1) ("Sutton Declaration"). This exhibit contains excerpts from Mark Zuckerberg's April 25, 2006 deposition, in which he discusses confidential, proprietary and sensitive business information. The deposition was marked Highly Confidential-Attorneys Eyes Only pursuant to the Stipulated Protective Order, and therefore is subject to Local Civil Rule 79-5(b).

3. Good cause exists for sealing Exhibit E to the Sutton Declaration. Exhibit E is a true and correct copy of an instant message conversation between Mark Zuckerberg and Adam Goldberg, dated August 9, 2004. The exhibit contains a discussion of confidential, proprietary and sensitive business and personal information. It has been marked "Confidential" by Facebook pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(b).

4. Good cause exists for sealing Exhibit F to the Sutton Declaration. Exhibit F is a true and correct copy of an instant message conversation between Mark Zuckerberg and Fallick, dated August 6, 2004. The exhibit contains a discussion of confidential, proprietary and sensitive business and personal information. It has been marked "Confidential" by Facebook pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(b).

5. Good cause exists for sealing Exhibit G to the Sutton Declaration. Exhibit G is a true and correct copy of an email string between Mark Zuckerberg and Scott Sassa, dated

February 19, 2005. The exhibit contains a discussion of confidential, proprietary and sensitive business information. It has been marked "Confidential" by Facebook pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(b).

6. Good cause exists for sealing Exhibit H to the Sutton Declaration. Exhibit H is a true and correct copy of an email string between Facebook and a user, Alexander Lee, dated February 20, 2005. The exhibit contains a discussion of confidential, proprietary and sensitive business and personal information. It has been marked "Confidential" by Facebook pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(b).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 13th day of February, 2008, at Menlo Park, California.

/s/ Yvonne P. Greer /s/
Yvonne P. Greer

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 13, 2008.

Dated: February 13, 2008.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

Theresa A. Sutton